HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 4039 of 2007

PETITIONER : Shalini Dalela W/o Prasant Shrivastava aged about 37 years Occupation – Project Officer in Woman Child Development Department R/o Borsi District – Durg (C.G.)

VERSUS

RESPONDENTS :
1. The State of C.G. Through the Secretary of Department of Woman and Child Development, D.K.S. Bhawan Raipur (C.G.)
2. Deputy Secretary Department of Woman and Child Development D.K.S. Bhawan Raipur (C.G.)
3. The Secretary Public Service Commission Chhattisgarh Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri Samir Singh, Advocate for the petitioner.
Shri Arvind Dubey, Panel Lawyer for the State/respondent 1 and 2.

ORDER
(Passed on 12th day of July, 2007)

1. The petitioner who is working as Unified Project Officer, Women and Child Development Department, Durg (City), is aggrieved by the order dated 29th June, 2007 (Annexure P/1), issued by respondent No. 2, whereby she has been transferred from Durg (City) to Rajnandgaon, in the same capacity on the same pay-scale.

2. The petitioner questions the validity of the impugned transfer order firstly on the ground that the petitioner has not been paid salary from March 2007 to June 2007, and secondly, the petitioner has got a small child aged $1^1/2$ years and her husband is working at Durg.

(23)

3. The transfer order cannot be interfered with on the above-stated grounds which are not legally sustainable. If the petitioner is not paid salary, she is entitled to the same wherever she is working. Posting of the husband at Durg is no ground for interfering with the transfer order.

4. Be that as it may, it is well-settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the cases of proved malafide, non-competence of authority passing the transfer order and not being in conformity with the rules and regulations.

5. In view of the foregoing, this petition stands dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit